

REMARKS

STATUS OF CLAIMS

Claims 1, 6, 7, 10-13, 15-17, 19, 20, and 58 were pending in the application. Since no claims have been added or cancelled, claims 1, 6, 7, 10-13, 15-17, 19, 20, and 58 are pending and are submitted for reconsideration.

REJECTION UNDER 35 U.S.C. § 112

In the office action, claims 1 and 58 were rejected under 35 U.S.C. §112, second paragraph. The office action states it is not readily apparent which words, ‘observing’ or ‘analyzing’ or both is supposedly modified. However, under the rules of English grammar, a statement of the form of “A and B (responses of...) at least partly in real time” should be interpreted as both A and B are at least partly in real time. In fact, that is also the intent of the applicant. If the examiner prefers to explicitly include the word “both” in the claim, applicant would authorize an examiner’s amendment to add the same.

With respect to the office action’s interpretation based on the reply filed on September 30, 2005, it should be noted that the “observing” is done in real time as stated in that reply in context of the then pending claims. However, in view of the newly added claim element in the last reply (filed January 11, 2007), the elements of observing and analyzing the responses are both at least partly performed in real time as recited in these claims and as intended by the applicant. Accordingly, applicants submit that these claims are in definite form and meet the requirements of section 112, second paragraph.

In this context, it should be noted that the present application discloses that responses of a target subset of users to a presently conducted marketing campaign may be observed (tracked) as well as analyzed at least partly in real time. See for example, pages

Type of Response: Amendment
Application Number: 09/401,439
Attorney Docket Number: 115377.01
Filing Date: 22 September 1999

24-25, 27, and 28 of the specification which discloses that user responses may be tracked (or observed) and analyzed at least partly in *real time*. See last paragraph of page 24. Likewise, site visit information is captured by a personalized applications component and fed back to the data warehouse through the feedback/live report component 260. See lines 4-6 on page 27. Page 28 (first paragraph) discloses that the feedback component 260 captured user responses then cause the response data to be processed by the profiler which then returns updated assessments of user profiles. As stated in the application, this “feature enables the real-time assessment of the attributes of a new user on a web site by observing his succession of site menu choices...” and the update of the same on the data store. That is, at least some analysis of user responses is done partly in real-time as recited in the pending independent claims 1 and 58.

PRIOR ART REJECTION UNDER 35 USC § 103

In the office action, claims 1, 6, 7, 10-13, 19, 20, and 58 were rejected under 35 USC §103(a) as being anticipated over U.S. Patent Number 6,026,397 (hereafter “Sheppard”) in view of U.S. Patent No. 6,134,532 (hereafter “Lazarus”). Applicant respectfully traverses this rejection with respect to the pending claims for at least the following reasons.

Independent claim 1 recites a method of managing a marketing campaign which, *inter alia*, includes:

- defining a target database of users and determining in the data mining engine a target subset of users in the target database statistically correlated to the set of prevalent attributes;
- conducting a presently conducted marketing campaign cycle directed at the target subset of users;
- observing and analyzing responses of the target subset of users to the presently conducted marketing campaign cycle at least partly in real-time;
- forming a focused group of the target subset of users whose observed response was a particular type of response;

Type of Response: Amendment
 Application Number: 09/401,439
 Attorney Docket Number: 115377.01
 Filing Date: 22 September 1999

determining, in the data mining engine, a group of prevalent characteristics of
the focused group of users;

These recited features are not disclosed by any reasonable combination of Sheppard and Lazarus for at least the following reasons.

First, observing and analyzing responses of the target subset of users to the presently conducted marketing campaign cycle at least partly in real-time is not disclosed by either Sheppard or Lazarus. As acknowledged in the office action, this recited feature is not disclosed by Sheppard. Neither is this deficiency of Sheppard cured by Lazarus. Specifically, Lazarus discloses monitoring the user responses in real-time but does not disclose analyzing the responses of the target subset of users to a presently conducted marketing campaign at least partly in real-time. Nowhere does Lazarus show that the user responses are used in real-time to update an analysis, for example, an updated assessment of a user profile, or to update or replace less complete or less reliable data on a particular user. See real-time analysis examples disclosed on page 28 of the present application.

It should be noted that Lazarus discloses on col. 9, lines 39-41, observing user behavior and based upon the behavior, selecting the appropriate ad to present to a user. In sharp contrast, the real-time analysis in claim 1 is used to form a focused group of the target subset of target subset of users whose observed response was a particular type of response. Therefore, neither Sheppard nor Lazarus nor their reasonable combination discloses these recited features in claim 1.

Second, nor does Sheppard disclose using the analyzed response of the target subset of users to form a focused group whose observed response was a particular type of response such that the prevalent characteristics of the focused group is used to mine a new set of users whose characteristics are statistically correlated with the prevalent characteristics. With respect to this feature, the office action cites to col. 20, lines 32-50

Type of Response: Amendment
Application Number: 09/401,439
Attorney Docket Number: 115377.01
Filing Date: 22 September 1999

of Sheppard. However, this cited portion only discloses that neural prediction functions may be used to score prospect lists to identify those individuals most likely to respond to future marketing campaign. See, for example, col. 20, lines 48-50. Even if the list of high scorers is equated to a focused group (as proposed in the office action), there is no teaching in either Sheppard or Lazarus of using the prevalent characteristics of the focused group to mine a new set of users whose characteristics are statistically correlated with the prevalent characteristics. Therefore, this feature is not disclosed by either Sheppard or Lazarus and provides an additional reason for patentability of claim 1.

Third, the specific sequence of method steps recited in independent claim 1 is not disclosed or suggested by Sheppard. In this context, it should be noted that claims have to be examined as a whole and simply finding isolated sections in the prior art that correspond to isolated elements of a claimed sequence does not anticipate the claimed sequence since the claims are not being examined as a whole.

Specifically, in addition to training a data mining engine with user data to make predictions (as taught generally by Sheppard), independent claim 1 requires the following sequence of steps (1) training the data mining engine with a set of training data comprising the user database by clustering the user database into different segments of users distinguished by different states of one or more characteristics; (2) inputting to the data mining engine a predetermined set of characteristics including a predetermined set of user attributes likely to pertain to a product to which the marketing campaign is directed and, in response thereto, obtaining from the data mining engine a subset of the users in the database having the highest correlation to the characteristic by determining which of the segments found during clustering of the user database has the highest statistical correlation to the predetermined set of characteristics; (3) determining in the data mining engine a set of prevalent attributes of the subset of users; (4) defining a target database of users and determining in the data mining engine a target subset of users in the target database statistically correlated to the set of prevalent attributes; (5) conducting a presently conducted marketing campaign cycle directed at the target subset of users; (6)

observing and analyzing responses of the target subset of users to the presently conducted marketing campaign cycle at least partly in real-time; (7) forming a focused group of the target subset of users whose observed response was a particular type of response; (8) determining, in the data mining engine, a group of prevalent characteristics of the focused group of users; and (9) defining a database to be mined and determining, in the data mining engine, a new set of users in the database to be mined whose characteristics are statistically correlated with the group of prevalent characteristics.

It should be noted that the office action cites the same portions of Sheppard for several steps in this sequence and does not disclose the specific sequence at all. Furthermore, as discussed above, neither Sheppard nor Lazarus discloses the combination of steps (7)-(9) at all. Accordingly, it is clear that applied references do not disclose the claimed sequence of steps recited in pending independent claim 1.

Since several recited features (and their sequence) is not disclosed by the applied references in the office action, the office action fails to make a *prima facie* case obviousness with respect to the pending claim 1. Accordingly, pending independent claim 1 is patentable over the applied references.

Independent claim 58 is also believed to be patentable over Sheppard for reasons that are similar as that discussed above with respect to independent claim 1.

DEPENDENT CLAIMS

The dependent claims are deemed to be patentable at least based on their dependence from allowable independent claims. In addition, they recite patentable subject matter when considered as a whole.

Specifically, dependent claims 16 and 17 recite features that are not disclosed by Sheppard. With respect to these features, the office action cites to col. 16, lines 5-25 and col. 17, lines 10-38. However, col. 16, lines 5-25 only discloses a process of normalization of parameter values and does not teach the claimed filling in undetermined attributes with corresponding ones of the complete set of statistically prevalent user attributes of the subset of users. Note that this claimed feature has nothing to do with

normalizing data to offset data that is too dominant or weak. Likewise, the teaching of col. 17, lines 10-38 is not particularly relevant to this claimed feature in claims 16 and 17 since it's teaching is related to inputting parameters to configure the clustering process. Accordingly, these recited features provide additional reasons for the patentability of claims 16 and 17.

CONCLUSION

Accordingly, applicant submits that the application is now in condition for allowance and an indication of the same is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' representative at the telephone number listed below.

Type of Response: Amendment
Application Number: 09/401,439
Attorney Docket Number: 115377.01
Filing Date: 22 September 1999

PATENT

If this Amendment is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: August 13, 2007

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

August 13, 2007
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/Kate Marochkina/
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Type or Print Name

Type of Response: Amendment
Application Number: 09/401,439
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